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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,170	12/15/2000	Leroy B. Keely	03797.00086	8089

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BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

EXAMINER

KUMAR, SRILAKSHMI K

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 10/21/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,170

Applicant(s)

KEELY ET AL.

Examiner

Srilakshmi K. Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-15, 17-24 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-15, 17-24 and 28-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The following office action is in response to Amendment B, filed on July 22, 2003. Claims 2-15, 17-24, 28-31 are pending. Claims 1, 16, 25-27 have been cancelled. Claims 2-4, 9, 11-15, 17-19 and 24 have been amended. Claims 28-31 are newly added.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-15, 17-24, and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran et al (US 5,404,439) in view of Fitzpatrick et al (US 5,546,527).

As to independent claims 2, 9, 17, 24 and 28, limitations of claims 1 and 16 and further comprising, a method of classifying a user's input to a computer comprising the steps of: receiving a user's input (col. 3, lines 21-40); choosing whether the user's input is a stroke; a tap, a hold, or a hold and drag based on at least one of the input satisfying a first move threshold, a time threshold, and a second move threshold (col. 17, lines 25-35, col. 5, lines 5-13, col. 7, lines 37-61). Moran et al disclose where the computer incorporates software controlled by computer inputs in col. 1, lines 12-14. Moran et al do not disclose a hold and drag. Fitzpatrick et al disclose in Fig. 5A and col. 5, line 31-col. 6, line 20, where the digitizer is capable of measuring the duration of the user input and classifying the user input using a time threshold. It would have been obvious to one of ordinary skill in the art to incorporate the system of Fitzpatrick et al into that of Moran et al as they both disclose digitizers using time thresholds. Fitzpatrick et al are

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advantageous as they disclose where time measurement is taken during the hold and drag to determine whether the user input is positioned correctly as disclosed in col. 5, line 31-col. 6, line 20.

As to independent claim 10, Moran et al disclose a method of implementing a stroke input to a computer comprising the steps of: determining whether said stroke input started on a draggable object; determining whether said stroke input satisfies a drag threshold; in response to said first determining step and said second determining step, dragging said draggable object (col. 5, lines 22-38, col. 9, lines 5-65). Moran et al do not disclose where the stroke input started on a draggable object. Fitzpatrick et al disclose in col. 3, lines 34-57 where objects are draggable. It would have been obvious to one of ordinary skill in the art to incorporate the system of Fitzpatrick et al into that of Moran et al as they both disclose digitizers using time thresholds. Fitzpatrick et al are advantageous as they disclose where time measurement is taken during the hold and drag to determine whether the user input is positioned correctly as disclosed in col. 5, line 31-col. 6, line 20.

As to independent claims 11 and 31, a method of implementing a stroke input to a computer comprising the steps of: determining that said stroke input did not start on a draggable object; determining that a location of said stroke input is inkable; and, adding ink to said location (col. 5, lines 22-38, col. 9, lines 5-65). Moran et al do not disclose where the stroke input started on a draggable object. Fitzpatrick et al disclose in col. 3, lines 34-57 where objects are draggable. It would have been obvious to one of ordinary skill in the art to incorporate the system of Fitzpatrick et al into that of Moran et al as they both disclose digitizers using time thresholds. Fitzpatrick et al are advantageous as they disclose where time measurement is taken

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during the hold and drag to determine whether the user input is positioned correctly as disclosed in col. 5, line 31-col. 6, line 20.

As to independent claim 13, limitations of claims 1, 10 and 11, and further comprising, a method of implementing a tap input to a computer comprising the steps of: determining at least one of whether a location of said tap includes wet ink, whether said location is in an inline space, and whether said object was previously selected (col. 4, lines 15-60); and responsive to the step of determining, performing at least one of- adding a dot of ink, placing an insertion point in said inline space, and performing an action associated with said object (col. 5, lines 21-38).

As to independent claim 28, Moran et al disclose a method for operating a digitizer capable of measuring the duration of a user input and capable of detecting movement, comprising the steps of: receiving user input (col. 3, lines 21-40); classifying the user input by using at least one of a time threshold (col. 17, lines 25-35) and a movement threshold; and, performing an action based on the user input (col. 5, lines 1-38). Fitzpatrick et al disclose in Fig. 5A and col. 5, line 31-col. 6, line 20, where the digitizer is capable of measuring the duration of the user input and classifying the user input using a time threshold. It would have been obvious to one of ordinary skill in the art to incorporate the system of Fitzpatrick et al into that of Moran et al as they both disclose digitizers using time thresholds. Fitzpatrick et al are advantageous as they disclose where time measurement is taken during the hold and drag to determine whether the user input is positioned correctly as disclosed in col. 5, line 31-col. 6, line 20.

As to dependent claims 3 and 18, limitations of claims 2 and 16, and further comprising, wherein said choosing step is based on at least two of the input satisfying said first move

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threshold, said time threshold, and said second move threshold (col. 17, lines 25-35, col. 5, lines 5-38).

As to dependent claims 4 and 19, limitations of claims 2 and 16, and further comprising, wherein said choosing step is based on the input satisfying said first move threshold, said time threshold, and said second move threshold (col. 17, lines 25-35, col. 5, lines 5-38).

As to dependent claims 5 and 20, limitations of claims 2 and 16, and further comprising, wherein, if said input satisfies said first move threshold, the input is classified as a stroke (col. 9, line 60-63, col. 11, line 20-col. 12, line 52).

As to dependent claims 6 and 21, limitations of claims 2 and 16, and further comprising, wherein, if said input does not satisfy said first move threshold and said input does not satisfy said time threshold, the input is classified as a tap (col. 3, lines 20-40, col. 6, lines 37-62, col. 9, lines 5-65).

As to dependent claims 7 and 22, limitations of claims 2 and 16, and further comprising, wherein, said input does not satisfy said time threshold and said input does not satisfy said second move threshold, said input is classified as a hold (col. 3, lines 20-40, col. 6, lines 37-62, col. 9, lines 5-65).

As to dependent claims 8 and 23, limitations of claims 2 and 16, and further comprising, wherein, if said input does not satisfy said time threshold and said input satisfies said second move threshold, said input is classified as a hold and drag (col. 3, lines 20-40, col. 6, lines 37-62, col. 9, lines 5-65).

As to dependent claim 12, limitations of claim 11, and further comprising, wherein said adding ink step includes at least one of drawing, writing, and annotation (col. 3, lines 21-40).

As to dependent claim 14, limitations of claim 7, further comprising the step of: simulating a right mouse click responsive to said input being classified as a hold (col. 3, lines 24-27).

As to independent claim 15, see limitations of claim 10.

As to dependent claim 27, limitations of claim 25, and further comprising, wherein said action outputs information to said display (col. 3, lines 14-18).

As to dependent claims 29 and 30, see limitations of claims 10 and 11, above.

Response to Arguments

3. Applicant's arguments filed July 22, 2003 have been fully considered but they are not persuasive.

With respect to arguments submitted by applicant, prior art Fitzpatrick et al is relied upon for the hold and drag aspect of the claimed invention. Fitzpatrick et al disclose in Fig. 5A and col. 5, line 31-col. 6, line 20, where the digitizer is capable of measuring the duration of the user input and classifying the user input using a time threshold. It would have been obvious to one of ordinary skill in the art to incorporate the system of Fitzpatrick et al into that of Moran et al as they both disclose digitizers using time thresholds. Fitzpatrick et al are advantageous as they disclose where time measurement is taken during the hold and drag to determine whether the user input is positioned correctly as disclosed in col. 5, line 31-col. 6, line 20. Thus showing a proper 35 USC 103 rejection. Moran discloses "touch" which would have been obvious to one skilled in the art that the touch could have be a tap. Further, in col. 6, lines 37-55, the user uses strokes, thus showing Moran's capability of a stroke and a tap. With respect to the drag threshold, and whether the object is draggable, Fitzpatrick et al disclose in Figs. 5a and 5b, and

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col. 5, where the system determines whether the user input is of a draggable object, where the user selects an object, drags and drops on a target. Further, Moran discloses where the user is able to paint in col. 5, lines 22-38. Thus, the combination of Moran and Fitzpatrick disclose the claimed invention as is shown above.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label

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“PROPOSED” or DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,
Arlington, VA, Sixth Floor (Receptionist)

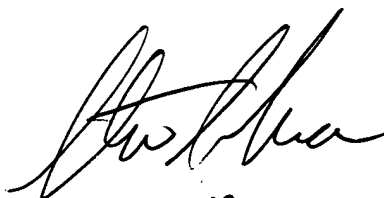
Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Srilakshmi K. Kumar whose telephone number is 703 306 5575.
The examiner can normally be reached on 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Steven J. Saras can be reached on 703 305 9720. The fax phone numbers for the
organization where this application or proceeding is assigned are 703 872 9314 for regular
communications and 703 308 9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is 703 305 4700.

Srilakshmi K. Kumar
Examiner
Art Unit 2675

SKK
October 6, 2003



STEVEN SARAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600